

Timothy M. Bechtold  
BECHTOLD LAW FIRM, PLLC  
317 East Spruce Street  
P.O. Box 7051  
Missoula, MT 59807-7051  
406-721-1435  
[tim@bechtoldlaw.net](mailto:tim@bechtoldlaw.net)

Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

LYNN SULLIVAN, ) CV-2019-80-GF-BMM  
Plaintiff, )  
vs. )  
 ) **SECOND AMENDED COMPLAINT**  
UNITED STATES OF AMERICA; VISTA )  
STAFFING SOLUTIONS, INC.; STEPHEN )  
SCHWARTZ, and NAVTEJPAL SINGH )  
KAHLON, )  
Defendants. )  
)

Plaintiff alleges as follows:

1. Plaintiff Lynn Sullivan is an enrolled tribal member of the Blackfeet Tribe, a citizen of the State of Montana, and a resident of Blaine County, Montana.

- 1 2. This Court has jurisdiction over this cause of action pursuant to the Federal  
3 Tort Claims Act, 28 U.S.C. 2671, *et seq.*, because the claim arises from  
4 conduct of federal government agents and Plaintiff has exhausted  
5 administrative remedies.
- 6 3. This Court has exclusive jurisdiction over tort claims brought against the  
7 United States pursuant to 28 U.S.C. § 1346(b).
- 8 4. Defendant Vista Staffing Solutions, Inc. is a Delaware corporation with its  
9 principal place of business in Plantation, Florida that has a contract with the  
10 United States to provide health care providers on the Fort Belknap Indian  
11 Reservation.
- 12 5. Based on information and belief, Defendant Stephen Schwartz is a is  
13 contracted to provide health care services on the Fort Belknap Indian  
14 Reservation at the Indian Health Service.
- 15 6. Based on information and belief, Defendant Navtejpal Singh Kahlon is a  
16 California resident who is contracted to provide health care services on the  
17 Fort Belknap Indian Reservation at the Indian Health Service.
- 18 7. Plaintiff filed Federal Tort Claim Act claims on May 14, 2019, and the  
19 Department of Health and Human Services received the claims on May 15,

1 2019. The government had not acted on the claims when Plaintiff fields  
2 suit, therefore Plaintiff's claims are ripe for adjudication.  
3

4 8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(e) and 1402(b).  
5

6 9. On May 25, 2017, Lynn Sullivan presented to the Ft. Belknap IHS clinic  
7 complaining of pain in her leg. IHS health care providers failed to diagnose  
8 the cause of her pain.  
9

10 10. Lynn Sullivan returned to the Ft. Belknap IHS clinic on numerous occasions  
11 over the following weeks complaining of continued pain in her leg, pain in  
12 her back, muscle weakness and spasms, and bladder and bowel control  
13 issues. IHS health care providers failed to diagnose the cause of her pain or  
14 symptoms.  
15

16 11. Eventually, IHS health care providers referred Lynn Sullivan to non-IHS  
17 health care providers in Great Falls, Montana, who performed emergency  
18 surgeries on Lynn Sullivan to save her life.  
19

20 12. Lynn Sullivan eventually was referred to health care providers in Denver,  
21 Colorado to perform follow-up surgeries.  
22

23 13. Lynn Sullivan continues to have pain and complications related to the  
24 failures of health care providers at the Ft. Belknap Health Center to timely  
25  
26

1 diagnose her condition or make a timely referral to outside health care  
2 providers.

3 14. Health care providers at the Ft. Belknap Health Center violated the  
4 standard of care beginning on May 25, 2017 when they failed diagnose  
5 Lynn Sullivan's medical condition. This failure caused Lynn Sullivan's  
6 condition to deteriorate.

7 15. Health care providers at the Ft. Belknap Health Center were negligent and  
8 violated the standard of care in failing to properly assess and properly treat  
9 Lynn Sullivan's condition upon her presentations to the IHS beginning on  
10 May 25, 2017. The failure to assess and treat Lynn Sullivan in a timely  
11 manner caused her condition to deteriorate.

12 16. Health care providers at the Ft. Belknap Health Center were negligent and  
13 violated the standard of care in failing to properly assess and refer Lynn  
14 Sullivan to other medical care providers upon her presentations to the IHS  
15 beginning on May 25, 2017. The failure to assess and refer Lynn Sullivan to  
16 other medical care providers in a timely manner caused her condition to  
17 deteriorate.

18 17. As a direct and proximate result of each of the acts and omissions of the  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 IHS and health care providers at the Ft. Belknap Health Center alleged in  
2 this Complaint, Lynn Sullivan suffered severe and painful injuries and has  
3 required numerous follow-up procedures.  
4

5 18. Plaintiff alleges that Montana's \$250,00.00 cap on non-economic damages  
6 contained in MCA §25-9-411 is unconstitutional because it violates the  
7 Montana Constitution's guarantees of (1) the right to full legal redress  
8 (Art.II, Sec. 16); (2) her right to jury trial (Art. II, Sec. 26); (3) her right to  
9 equal protection of the laws (Art II, Sec. 4); and (4) the separation of  
10 powers (Art III, Sec. 1).  
11  
12

13 **WHEREFORE**, Plaintiff demands judgment against the Defendants as follows:  
14  
15

16 1. For judgment in such amounts as shall be proven at the time of trial.  
17  
18 2. For an award of attorney's fees and costs as provided by any  
19 applicable provision of law.  
20  
21 3. For such other and further relief as the Court deems just and  
22 equitable.  
23  
24

25 DATED this 26th day of October, 2020.  
26  
27

28 /s/ Timothy M. Bechtold  
BECHTOLD LAW FIRM, PLLC